THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 5783 of 1996

Dated: 17-11-2005

Between:

A. Malleshwar.

..Petitioner.

And

The Joint Collector, Sangareddy, Medak district and another.

..Respondents.

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 5783 of 1996

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ORDER:

This petition is filed questioning the order of cancellation of the Caste Certificate issued to the petitioner by the first respondent.

2. Since the order of the first respondent cancelling the caste certificate of the petitioner is dated 3-3-1996 and since the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 ('the Act') came into force on 15-05-1997 and since G.O.Ms.No.282 (SW) Department, dated 19-12-1988 (' the G.O') was in force prior to coming into the Act, the Act, which has no retrospective effect, has no application to the facts of this case.

3. Since the G.O. does not contain a provision relating to appeal as is provided by Section 7(2) of the Act and since a Division Bench of this Court in **J. VIJAY KUMAR V. JOINT COLLECTOR & ADDITIONAL DISTRICT MAGISTRATE, NIZAMABAD** held that the order passed by the Joint Collector cancelling the caste certificate under the G.O. can be questioned in an appeal to the Government, on equitable grounds, and gave a direction to the petitioner therein to prefer an appeal to the Government within the time granted and directed the Government to consider the appeal on merits, petitioner also can be granted a similar relief.

4. Therefore, this petition is disposed of with a direction to the petitioner to prefer an appeal to the Government against the order of the first respondent impugned in this petition within 30 days from today and the appeal, if preferred by the petitioner, shall be entertained by the Government and the same should be disposed of on merits as expeditiously as possible, at any rate, within a period of two months from the date of receipt of the appeal from the petitioner. Parties shall bear their own costs in this petition. The interim order granted earlier shall continue to be in force for a period of 30 days or till the petitioner prefers an appeal, whichever is earlier. No order as to costs.

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17-11-2005

sj